IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA Richmond Division

ROY SYLVESTER HUNT, JR.,

Petitioner,

٧.

Civil Action No. 3:10CV389

GENE JOHNSON,

Respondent.

**MEMORANDUM OPINION** 

Petitioner, proceeding *pro se*, submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By Memorandum Order on July 29, 2010, the Court directed Petitioner, within eleven (11) days of the date of entry thereof, to pay the \$5.00 filing fee or file an adequate explanation for his failure to do so. More than eleven (11) days have passed since the entry of the July 29, 2010 Memorandum Order and Petitioner has failed to pay the assessed fee or adequately explain any special circumstances warranting excuse from payment. Accordingly, the petition will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall issue.

/s/

Richard L. Williams

United States District Judge

Date: OCT - 5 2010 Richmond, Virginia